

Remarks

In the present Office Action, the Examiner objected to an informalities in the original specification. By the present amendment to the specification, the spelling mistake giving rise to the objection has been corrected.

Claim 10 has been amended to better correlate the term "airflow supply" used therein with claim 7, upon which it depends.

Rejections under 35 USC 102

The Examiner rejected claims 1 through 10 and 12 through 19 as being anticipated by US Published Application US 2002/0176936 (hereinafter the '936 publication). The Examiner additionally rejected claims 1 through 7 and 12 through 20 as being anticipated by US Patent 5,919,520 (hereinafter the '520 patent). The Applicant respectfully traverses the present rejection. Independent claims 1, 14, 16 and 20 require that a control fluid be imparted to a portion of the deposited resist. Page 3, lines 25 through 27 of the specification describes the control fluid as preferably an air source or inert gas, the latter such as nitrogen, argon or the like that, according to page 6, lines 7 through 8 of the specification, is applied to a portion of the deposited resist to "effect a local thickness change through modification of the evaporation rate of the solvent in the resist".

MPEP 2173.05(a) notes that when "the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art." Given this well-established practice, the Examiner must construe the term "control fluid" and its related supply in the manner set forth in the specification, *viz.*, as a fluid that through localized impingement onto the surface of an already-deposited resist layer changes how quickly a solvent layer added thereto evaporates, which in turn changes the rate of evaporation of the deposited resist.

What the Examiner refers to as a control fluid and its associated supply in the '936 publication (shown in FIG. 7 thereof) and the '520 patent (shown in FIG. 2 thereof) is in fact a solvent used to improve wettability of the resist layer to be deposited. See, for example, column 6, lines 1 through 5 and 31 through 32 of the '520 patent. There is no suggestion that the solvents used in the '936 publication and the '520 patent qualify as the control fluid of the independent claims. In fact, in view of the description in the specification of the present application that it is precisely such a solvent layer that is operated upon by the control fluid, there is, by logical construct, no similarity between the control fluid of the independent claims and the solvent of the '520 patent and the '936 publication.

As such, the Applicant submits that the present anticipatory rejections of claims 1 through 10 and 12 through 20 are not well-taken, and should be withdrawn.

Rejections under 35 USC 103

The Examiner rejected claim 11 as being obvious over the '936 publication in view of US Patent 7,077,910 (hereinafter the '910 patent). The Examiner additionally rejected claims 8 through 10 as being obvious over the '520 patent in view of the '936 publication. The Applicant respectfully traverses the present rejection.

"To establish a *prima facie* case of obviousness, three basic criteria must be met." MPEP 2143. One of the requirements is that all of the claim limitations must be taught or suggested. MPEP 2143.03. Since there is nothing in any of the cited references that teaches or suggests all of the features of the independent claims (most notably, the control fluid supply discussed above), a *prima facie* case for obviousness has not been made out. Accordingly, the Applicant submits that the present rejection of claims 8 through 11, all of which depend from independent claim 1 (which is allowable for the reasons articulated above), are additionally allowable.

The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

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Respectfully submitted,  
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